

STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to repeal the following Department rule:

Compliance with Section 504 of the Rehabilitation Act

This rule is proposed for repeal because its content is being added to an amended and fully integrated rule covering all educational services at the RI Training School. The amended rule, Education Program at the Rhode Island Training School (formerly named Administration of the Education Program at the Rhode Island Training School) combines previously separate policies into one comprehensive regulation for greater ease of use by staff and the general public. In the repeal of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This repealed rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by **February 9, 2015** to Susan Bowler, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (susan.bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, or by an agency or an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth, and Families does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the agencies, organizations and institutions the Department licenses.

POSTED: 1/5/15

~~**Compliance with Section 504 of the Rehabilitation Act**~~

~~Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: Training School~~

~~**Policy: 1200.1726**~~

~~**Effective Date: June 14, 2004** **Revised Date: September 1, 2010** **Version: 2**~~

~~The Education Program complies with the policies and procedures of Section 504 of the Rehabilitation Act—Nondiscrimination under Federal Grants and Programs. Section 504 protects school-age residents who have a physical or mental impairment that substantially limits a major life activity and requires reasonable accommodations be made to assist them in educational programming.~~

~~**Related Procedures**~~

~~**Compliance with Section 504 of the Rehabilitation Act**~~

~~Compliance with Section 504 of the Rehabilitation Act~~

~~Procedure from Policy 1200.1726: Compliance with Section 504 of the Rehabilitation Act~~

- ~~A. The Education Program identifies all residents who qualify for Section 504 protections due to an impairment that substantially limits a major life activity.~~
- ~~1. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, self care and performing tasks.~~
 - ~~2. The condition need only substantially limit one major life activity in order for the resident to qualify.~~
 - ~~3. The Principal ensures that the Education Program has a coordinator, a grievance process, procedural safeguards and impartial hearing requirements to implement Section 504.~~
- ~~B. Eligible residents perform essential school functions with reasonable accommodations which are described in a 504 Plan.~~
- ~~1. Reasonable accommodations include making facilities accessible or usable as well as modifying equipment or devices.~~
 - ~~2. A group of individuals who are knowledgeable about the resident, evaluation data and accommodation options convenes and develops a written plan of services that is reviewed annually.~~
 - ~~3. Parents and/or Legal Guardians are invited to participate in Section 504 planning meetings and decision making.~~
 - ~~4. Parents and/or Legal Guardians may be represented by legal counsel.~~
- ~~C. Paragraphs A and B are consistent with Correctional Education Association Standards 43, 45, 49—51, and 60 as well as American Correctional Association Standards 3-JTS-5D-02; 3-JTS-5D-03; 3-JTS-5D-04; 3-JTS-5D-06; 3-JTS-5D-07 and 3-JTS-5D-08.~~